

### **ELECTION OF GROUP I**

In response to the restriction requirement, Applicants hereby elect Group I, i.e., Claims 1-17, drawn to a patch bag.

### **ELECTION OF SPECIES**

In response to the additional requirement that Applicants elect between the species of patch bag of Claims 1-11 and the species of patch bag of Claims 12-17, Applicants hereby elect the species of Claims 12-17.

### **REMARKS**

Applicants acknowledge the restriction requirement between Group I (article) and Group II (process), as well as the species restriction requirement. Applicants elections are without traverse.

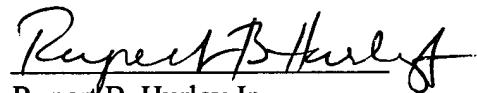
However, Applicant points out that the restriction requirement separates as distinct inventions Applicants' claimed patch bags and Applicants' claimed process for preparing a cooked bone-in meat product. Applicants point out that the restriction requirement states that the inventions of Groups I and II are *distinct* from one another. MPEP 802.01 states that inventions which are distinct from one another are *patentable* over one another, i.e., are *novel and nonobvious* over one another. Thus, Applicants respectfully contend that the above-identified portion of the MPEP indicates that in issuing the restriction requirement, the PTO has gone on record as admitting that even if the prior art were to disclose the subject matter within the claims of Group I, the claims of Group II would remain patentable thereover, and vice versa. If such an admission is not considered by the PTO to be desired in the instant application,

Applicant suggests that the restriction requirement be withdrawn. However, in view of the position taken by the Patent Office that the subject matter of Group I is patentable over the subject matter of Group II (and vice versa), as well as the species of Claims 1-11 versus the species of Claims 12-17 (and vice versa), Applicants acquiesce to the restriction requirement, without traverse.

Conclusion

Applicants respectfully request entry of the elections above and consideration of the remarks.

Respectfully Submitted,



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